

EXHIBIT 2



Transcript of William A.V. Clark, Ph.D.

Date: December 22, 2016

Case: de Reyes, et al. -v- Waples Mobile Home Park Limited Partnership, et al.

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1 subject was an attempt to estimate the undocumented
2 population in a particular geographical area?

3 A There may be other publications which have
4 certainly been involved with discussions of the
5 undocumented population. Your specific question
6 about whether I have estimated it for specific
7 areas, I don't believe that I have articles that
8 have done that.

9 Q Have you engaged in that type of analysis
10 as an expert witness on any occasion other than this
11 case?

12 A I believe it was part of the Koreatown
13 study. We were concerned with people who were
14 documented or not, but I don't think that that
15 became an essential part of that case.

16 Q In the reports in this case, Professor
17 Clark, there's a term that's used called "margin of
18 error." Can you define that term for me.

19 A When statisticians and demographers make
20 estimates using samples, they recognize that there
21 is some -- because it's not a count, there is some
22 error in the result, and we provide a range around

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1 the demographer doing the estimate.

2 Q Does the size of the sample impact the
3 reliability of the estimate that's derived from it?

4 A The size of the sample plays a role, yes.

5 Q What role does that play?

6 A Well, larger samples are usually likely to
7 be more accurate.

8 Q When you take into account these various
9 factors that could affect the reliability of the
10 estimate, is there a particular method by which you
11 then determine the margin of error?

12 A Well, the margin of error is calculated as
13 a -- as a -- using the statistical probability. You
14 ask what's the reliability of the estimate based on
15 a five percent variation, a ten percent variation,
16 and you produce that estimate as a measure of the
17 potential variation in the true value.

18 Q In determining your margin of error, is
19 that determined at all by the confidence level that
20 you utilize?

21 A The confidence level influences -- you can
22 have margins of error at various confidence levels.

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1 Q What is the confidence level that you
2 consider to be the standard in what you do?

3 A Well, it's not what I do. Demographers
4 and census people use various levels of -- various
5 probability estimates ranging in the five -- .05 and
6 .10, five and ten percent.

7 Q Well, the Census Bureau uses a confidence
8 level of 90 percent, correct?

9 A Yes. That's the other way of saying it.

10 Q As a demographer, is that an acceptable
11 standard to use?

12 A It's used -- of course it is. The census
13 uses it. Demographers use it.

14 Q In looking at a sample, in determining the
15 margin of error, if you go from a larger sample, say
16 a national survey, to a county survey, does the
17 margin of error increase as you go from the larger
18 to the smaller area?

19 A It can, yes.

20 Q Are there any instances where that would
21 not happen?

22 A I don't know.

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1 Q So what I'm trying to get at is in making
2 those comparisons, what factors do you as a
3 demographer look at to determine the difference in
4 the margin of error in that situation?

5 A I'm sorry. I just don't understand your
6 question. The margin of error is the margin of
7 error which you calculate at the national level and
8 the local level. That's it.

9 Q Would you agree that the Census Bureau,
10 for example, when it goes from the national level
11 down to smaller geographical areas, its margin of
12 error increases?

13 A Yes.

14 Q So is that typical, that when you go from
15 a larger to a smaller geographical area, the margin
16 of error increases?

17 A There are a number of assumptions in your
18 statement. It would only increase if you hold the
19 sample size constant.

20 Q When you say hold the sample size
21 constant, what do you mean?

22 A Well, you have three million at the

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1 national level, you have some smaller number at the
2 local level, and we've agreed that the margin of
3 error would be greater at the smaller area than at
4 the national.

5 Q In attempting to estimate the undocumented
6 population as we've defined it, are there particular
7 challenges to that type of estimate as opposed to
8 estimating another segment of the population?

9 A I believe that's true.

10 Q What are the difficulties, if you will, in
11 estimating the undocumented population?

12 A Well, because they're undocumented, some
13 of them prefer not to be measured in census
14 estimations. So getting an accurate count is more
15 difficult for a population that is less willing,
16 less wanting to be measured.

17 Q As a demographer, how do you deal with
18 that?

19 A Well, there's a huge literature and it's
20 been discussed at length, and both Dr. Weinberg and
21 I reference some of the important people, Fasel,
22 Warren, Word, all these people, Peter Morrison, who

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1 have worked on this project of how to estimate the
2 undocumented population, and now the demographers at
3 The Center for Migration Studies have done a very
4 good job of coming up with pretty good estimates of
5 the national and local undocumented populations.

6 Q So The Center for Migration Studies has
7 estimated the undocumented population at the
8 national level for the United States, correct?

9 A Yes.

10 Q Is it also true that CMS, who is -- I'll
11 refer to them as The Center for Migration Studies --
12 has acknowledged a nine percent margin of error with
13 respect to its estimate of the undocumented
14 population at the national level?

15 A That's correct.

16 Q Has CMS estimated the margin of error for
17 its estimates at smaller geographical areas such as
18 a state?

19 A They have not.

20 Q Do you know why they have not done that?

21 A I think the -- they say it's difficult
22 enough to try and get estimates of the undocumented

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1 population. Putting margins of error on this is
2 difficult -- a difficult process. Why they actually
3 didn't do it, they don't say in their report. I
4 hasten to add that that material has just come out,
5 and I understand, but this is hearsay, that they may
6 attempt to provide margins of error.

7 Q Would you expect the margin of error for
8 the undocumented population to be higher at the
9 state level as opposed to the national estimate from
10 CMS?

11 A Would I expect the margin of error to be
12 higher?

13 Q Yes, at the state level.

14 A Depending on the state, possibly. I don't
15 think it would necessarily be any higher in
16 California, but it's possible.

17 Q What factors would you consider in
18 determining whether the margin of error at the state
19 level is higher than the nine percent margin of
20 error at the national level of CMS estimates?

21 A I'm not sure I understand where you're
22 going with your question, but it seems to me we've

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1 Q Is that what's been referred to in some of
2 the reports -- and I'll use the acronym -- PUMA,
3 P-U-M-A?

4 A Yes, public use microdata area.

5 Q So that's the smallest geographical area
6 that CMS will provide an estimate or has provided an
7 estimate for the undocumented population, correct?

8 A That is the smallest area to which they
9 have published estimates.

10 Q Okay. Are there any other entities that
11 have estimated the undocumented population at a
12 geographical area smaller than a PUMA?

13 A Not that I know of.

14 Q Do you know why that is?

15 A It's a very time consuming and tedious
16 activity, and I don't think the other two major
17 groups, The Pew Foundation and the -- I can't recall
18 the name -- the Migration Studies Institute --

19 Q Yeah.

20 A -- have done that.

21 Q In the expert report that you provided in
22 this case, you adopted the margin of error that the

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1 American Community Survey attached to the estimate
2 of the total number of Hispanics in the census tract
3 at issue. Is that correct?

4 A That's correct.

5 Q Do you know how ACS determined that margin
6 of error?

7 A Certainly when I was reviewing the
8 document, I could have given you a much more
9 specific answer. They used the procedures the ACS
10 uses for all of its margins of error, and they pass
11 that down to the local unit, and that's their best
12 estimate of a range for that small population in a
13 census tract. In this case I think it was 26
14 percent.

15 Q All right. At what point does the margin
16 of error cause you as a demographer to question the
17 reliability of the estimate?

18 A Well, I think we have to be clear that the
19 issue and the importance is -- the point is not the
20 margin of error. The margin of error gives us a
21 guide as to what the range might be. But in the
22 end, all statisticians and demographers are

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1 Migration Studies, but confirmed by the studies from
2 the Pew Research Center and from the Migration
3 Studies Institute.

4 Q But the CMS doesn't have any estimate of
5 the undocumented population at the tract level,
6 correct?

7 A That's correct.

8 Q So then you did not rely upon CMS data for
9 your ultimate conclusion in this case, right?

10 A No, that's not correct. I used the CMS
11 data from the PUMA to estimate what the undocumented
12 population is in the tract, that tract as part of
13 the PUMA.

14 Q What's the population size in the PUMA
15 that you relied upon?

16 A I don't have it in front of me, but it's a
17 large number.

18 Q Well over 100,000, correct?

19 A I believe so.

20 Q And the census Tract 4406, that population
21 is less than 4,000, correct?

22 A Yes.

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1 tract level, we feel reasonably confident of those
2 results.

3 Q What was your basis for assuming that the
4 CMS estimate at the PUMA level would be the same for
5 the census tract level?

6 A The census tract is part of the PUMA. The
7 counterfactual would be that the tract is very
8 different from the rest of the PUMA, and there's no
9 evidence that it is. It's like the PUMA as a whole.
10 Therefore, we apply the same proportion at the PUMA
11 level down to the tract level. That's a standard
12 procedure in demography, that you use a proportion
13 at the higher level and a proportion down at the
14 lower levels.

15 Q Well, isn't it true that the PUMA level
16 data could be dispersed throughout various census
17 tracts that are encompassed in the PUMA?

18 A It is true that there's variation across
19 the PUMA, but there's no evidence that the PUMA is
20 so variable that it would make the estimating
21 procedure improper.

22 Q How did you determine that in this case?

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1 A I looked at the census tracts that made up
2 the PUMA. There are many of them like Tract 4406.

3 Q So is it your testimony that Tract 4406 is
4 similar in its demographic make-up as other census
5 tracts in the PUMA?

6 A I did not do that analysis.

7 Q Continuing on page 2, I'd like you to
8 focus now on subparagraph F. The last sentence
9 states, "As a disproportionate number of Hispanics
10 are not citizens, a disproportionate number of
11 residents will be impacted by the park's leaseholder
12 policy." When you make this statement, "a
13 disproportionate number of Hispanics are not
14 citizens," who are you comparing that group to?

15 A Disproportionate to other groups.

16 Q Which other groups?

17 A Well, after -- I was just using
18 non-Hispanics as the other group in that statement,
19 but in the rebuttal report when Dr. Weinberg raised
20 the issue of not estimating it for Asians, I redid
21 the analysis so that we looked at Asians and other
22 populations, and the disproportionate impact

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1 A He uses that, but that's -- but there's no
2 justification for it. And we're getting away from
3 the point. You're focusing on margins of error, and
4 I keep needing to remind you that we do have a point
5 estimate here. That's the issue. There is an issue
6 of what the margin of error should be, but the point
7 estimate, which both Dr. Weinberg and I got, is a
8 good estimate for the number of undocumented in the
9 census tract. And that I think is the end of the
10 discussion, really, because we've got a point
11 estimate.

12 Perhaps the margin of error should be
13 larger, but the margin of error only gives us a
14 sense of where the point estimate lies. Think of it
15 again, as I said, as a bell curve. Multiple samples
16 will produce most of the results near the point
17 estimate.

18 Q But in order to determine whether a point
19 estimate is reliable, you have to consider the
20 margin of error, correct?

21 A You can consider the margin of error. It
22 gives you a range in which the point estimate could

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1 wildly different from the county level, I would be
2 concerned about my point estimate, but I'm not.

3 Q In relying upon the PUMA CMS estimate, you
4 do not know what the margin of error is for that
5 estimate, correct?

6 A I think that question has been asked at
7 least twice before, and I've answered. We don't
8 know the margin of error for the CMS data. CMS did
9 not provide margins of error at the PUMA level.

10 Q How can you as a demographer determine
11 whether their estimate is reliable or not?

12 A They have gone through a complicated
13 process of taking the national data, positing it out
14 to state and to local areas. This is, as mine, the
15 best estimate of the number of undocumented. That
16 is a large team of demographers and statisticians
17 produced this data. It is publicly available now
18 online. I believe it is as reliable data as we can
19 get about the undocumented population.

20 Q Whether it's the most reliable or not, how
21 can you determine whether it's sufficiently reliable
22 to establish, for instance, in this case as a fact